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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,523	03/01/2004	Anil K. Sahai	P06664US0	2750

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801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

AU, SCOTT D

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/791,523	Applicant(s) SAHAI, ANIL K.	
	Examiner Scott Au	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment, which is filed November 23, 2005.

An amendment to the claims 1-14 have been entered and made of record in the Application of Sahai for a "Method and system for vehicle control using walkie-talkie type cellular phone" filed March 1, 2004.

Claims 1-14 are pending.

The new claims 13-14 are introduced.

### ***Response to Arguments***

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respected to the pending claims 7-12, filed on November 23, 2005, have been fully considered but they are not persuasive for at least the following reasons.

On page 8, second paragraph, Applicant's argument with respect to the invention of Oesterling in view of Strub that " the cellular phone to control at least one vehicle function such as vehicle light, vehicle lock, ignition , trunk release and vehicle" according to claim 7, is not persuasive.

Oesterling teaches the cellular phone control the vehicle locking system (i.e. see paragraph 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al. (US# 20050137877) in view of Strub et al. (US# 6,825,875).

Referring to claim 7, Oesterling et al. disclose a system for remotely controlling vehicle functions using a cell phone (160) (i.e. cellular phone), comprising:  
a vehicle (110) (i.e. vehicle);  
a receiver unit (120) (i.e. telematics unit) disposed within the vehicle (110) (i.e. page 2 paragraph 0021), the receiver unit comprising a receiver adapted to receive communications from the at least one cell phone, an intelligent control operatively connected to the receiver for receiving vehicle function control messages, the intelligent control (122) (i.e. controller) operatively connected to one or more vehicle controls (114,115,116) (i.e. vehicle devices) such that the intelligent control is adapted to control the vehicle functions (i.e. page 1 paragraph 0006-0008 and page 3 paragraph 029);  
wherein the intelligent control is programmed to control the vehicle lock function, an ignition function (i.e. paragraph 2).

However, Oesterling et al. did not explicitly disclose at least one cell phone adapted to establish walkie-talkie type connections.

In same field of endeavor communication device, Strub et al. disclose a walkie-talkie mode on the cell phone (col. 40 lines 21-31).

One ordinary skill in the art understands that a walkie-talkie mode on the cell phone of Strub et al. is desirable in the communication device of Oesterling et al. because Oesterling et al. suggest a cellular phone, PDA, or a computer to control the vehicle functions (page 3, paragraph 0026) and Strub et al. suggest a cellular phone with a walkie-talkie function (col. 40 lines 21-31). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a cellular phone with a walkie-talkie function of Strub et al. in the communication system of Oesterling et al. with the motivation for doing so would allow a user with more option operating a cellular phone.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al. (US# 20050137877) in view of Strub et al. (US# 6,825,875) as applied to claim 7 and further in view of Joao (US# 6,549,130).

Referring to claims 8-12, Oesterling et al. in view of Strub et al. disclose the method and system of claim 7. However, Oesterling et al. in view of Strub et al. did not explicitly disclose wherein the control is programmed to control a vehicle lock, ignition, trunk release and alarm functions.

In the same field of endeavor of vehicle security system, Joao teaches the portable transmitter is used to control a vehicle lock, ignition, trunk release and alarm functions (col. 80 lines 28-48; see Figure 1).

One ordinary skill in the art understands that remotely controlling vehicle functions of Joao is desirable in the vehicle security system of Oesterling et al. in view of Strub et al. because Oesterling et al. suggest a telematics unit controls the vehicle components 114 and vehicle devices 115 (page 2 paragraph 0021) and Joao also suggests the vehicle functions are remotely control by a transmitter 2 (col. 18 lines 21-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include vehicle control functions of Joao in the communication system of Oesterling et al. in view of Strub et al. with the motivation for doing so would allow the secure and convenience operating the vehicle system.

### ***Allowable Subject Matter***

Referring to claims 1-6 and 13-14, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that the vehicle receiver receives a walkie-talkie communications from a cell phone to control the vehicle set of functions consisting of a vehicle light functions, vehicle lock function, an ignition function, a trunk release function, and alarm function.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA  
1/24/06

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*[Handwritten signature]*